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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,173	11/18/2003	John Christopher Adams	043197.271470	5997
826	7590	05/19/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			DESAI, ANISH P	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 05/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/717,173	Applicant(s) ADAMS ET AL.	
	Examiner Anish Desai	Art Unit 1771	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-7,10-15,17,19-21,24,26 and 31-37.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

The art rejections of claims 1,3-7,10-14,17,19-21,24,26, and 32-37 over US 5,908,687 ('687 patent) in view of US 4,260,703 ('703 patent) are maintained for the following reasons. The applicant argues that the examiner has failed to provide a proper motivation for combining the aforementioned references. The examiner respectfully disagrees. The '687 patent teaches a heat-sensitive stencil wherein the heat-sensitive stencil of the '687 patent comprises a thermoplastic film layer and a porous resin layer is coated thereon. Additionally, the '687 patent is concerned with providing sufficient tensile strength to the heat-sensitive stencil using a porous coating layer (Column 2, lines 54-55, Column 2, line 67, Column 3, line 1). The '703 patent is directed towards a urethane-acrylate coating composition that is cross-linked using radiation. Further, the '703 patent teaches a cross-linked coating composition can be applied to any suitable substrates such as plastics films (Column 5, lines 37-40). Note that porous resin of the '687 patent is also applied on the thermoplastic film. Moreover, Table II of the '703 patent discloses tensile strength values of the urethane-acrylate coatings. Both cited references ('687 patent and '703 patent) are related to the coating provided on the thermoplastic film layer. Additionally, note that the '703 patent is trying to overcome the problem of environmentally harmful volatiles that are being generated from the coatings that utilize such volatile solvents by providing radiation curable coatings (Column 1, lines 8-25). The applicant is also disclosing that the prior art methods of forming porous coatings as described in GB 2332868 and GB 2345912 relies on the use of volatile organic solvents and such methods are undesirable, because of their adverse environmental impact (pages 1 and 2 of specification). Thus, one of the objectives of the applicant is to provide a method of manufacturing a stencil, which avoids the shortcomings of the prior art method (pages 2 and 3 of specification). It is the examiner's position that the invention of '703 is concerned with solving the same problem as the applicant. Further the '703 patent also teaches that coating plays useful role in the manufacture of great many articles which find wide use in nearly all facets of contemporary life (Column 1, lines 6-8). Therefore, in view of teachings of the '703 patent, a skilled artisan would have been motivated to use the cross-linked coating composition comprising urethane-acrylates in the porous resin layer of '687 patent to provide sufficient tensile strength to the coating. With respect to applicant's argument that references actually teach away from such a combination because underlying chemistry of the two disclosures is actually incompatible. The said argument is found not persuasive for patentability because it is not supported by any factual evidence. It is respectfully suggested that the applicant provide evidence on the record that would indicate such incompatibility. Accordingly, art rejections are maintained.

The art rejections of claim 2 over US 5,908,687 ('687 patent) in view of US 4,260,703 ('703 patent) and US Patent 4,082,887 ('887 patent) are maintained for the following reasons. The applicant argues that the Office has failed to show proper motivation for combining these references. The examiner respectfully disagrees. The examiner realizes that '887 patent does not teach heat sensitive stencils. However, '887 patent clearly teaches that use of surfactant with HLB value of lower than 6 results in uneven application of coating. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use anionic surfactant with HLB of greater than 6, disclosed in the invention of '887 patent in the porous resin layer of '687 patent, motivated by the desire to provide even coating layer of the porous resin layer. Accordingly, art rejections are maintained.

The art rejections of claim 15 over US 5,908,687 ('687 patent) in view of US 4,260,703 ('703 patent) and US Patent 3,804,700 ('700 patent) are maintained for the following reasons. The applicant argues that '700 patent is not properly combinable with '687 patent because '700 patent is related to a completely different field of endeavor. The examiner respectfully disagrees. The examiner agrees that '700 patent does not teach heat sensitive stencil however as stated in the 02/08/06 Office action, the '700 patent teaches that commonly in laminating fabrics to foams or foams to other layers such as a transparent film, the practice is to use a separate adhesive layer for such bonding or to use thermoplastic material that can be softened and bonded by heat and pressure. The '700 patent makes it unnecessary to use such adhesives, thus substantially reducing the number of operations necessary to achieve the product of the invention (Column 1, lines 28-37). Note that one of the objectives of the applicant's invention is to provide a method of manufacturing of thermo sensitive stencil that avoids the use of an adhesive (see Background of the Invention, page 3, lines 11-13). Thus, it is the examiner's position that the invention of '700 is in trying to solve the same problem as the applicant. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the sulphate containing foaming agents of '700 patent in the porous resin layer of '687 patent, motivated by the desire to obtain a foamed porous resin layer. The examiner's response in this and in 02/08/06 Office action is also appropriate for other claims that are pending in this application.

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PRIMARY EXAMINER**